IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.Misc. No.-M-39136 of 2007

Date of Decision: 17.9.2007.

Jagjitpal Singh and others. ....Petitioners.

Versus

State of Punjab and another ...Respondents.

CORAM : Hon'ble Mr. Justice Surya Kant.

Present:- Ms.Natasha Sehgal,Advocate for
Mr. Vivek Rattan, Advocate
for the petitioners.

Mr.Sandeep Moudgill, DAG Punjab.

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SURYA KANT, J.(ORAL)

The prayer in this petition is for quashing of FIR No.35 dated 29.5.2004, under Sections 498-A, 406 and 506 IPC registered at P.S.Amargarh, District Sangrur.

The above stated FIR has been registered on a complaint made by respondent No.2, who was married to petitioner No.1 on 16.2.2003. It appears that the parties could not stay together due to their temperamental differences and as a result thereof, the impugned FIR was got registered by respondent No.2 against her husband and his other family members namely petitioners No.2 to 4.

Meanwhile, with the intervention of the respectables, both the parties have entered into a compromise and in terms thereof, respondent No.2-complainant has been paid a lump-sum amount of Rs.7,60,000/-. The marriage between petitioner No.1 and respondent No.2 has also been dissolved by a decree of divorce by mutual consent vide order dated 22.5.2007 (Annexure P3). A perusal of the aforesaid judgment reveals that

a formal compromise deed was executed and placed on record before the learned Additional District Judge, Sangrur.

Relying upon the afore-mentioned compromise between the parties that the petitioners seek quashing of the impugned FIR and the proceedings arising therefrom.

Notice of motion was issued and in response thereto respondent No.2 has filed reply/affidavit in which she acknowledges the compromise and has stated that she has no objection, if the impugned FIR and the proceedings are quashed.

Learned State counsel also clearly states that in view of the compromise between the parties, the continuation of the impugned proceedings would be an exercise in futility.

After hearing learned counsel for the parties and keeping in view the fact that vide compromise the matrimonial dispute between the parties has since been amicably resolved and both the parties have already part their ways and also keeping in view the principles laid down by the Apex Court in the case of **B.S.Joshi & others vs. State of Haryana and another**, 2003(2) RCR(Crl.) 888 SC and a Full Bench of this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another,** (Crl. Misc. No.33016-M of 2007 decided on 8.8.2007), this petition is allowed. The impugned F.I.R. No. 35 dated 29.5.2004, under Sections 498-A, 406 and 506 IPC, registered at Police Station Amargarh, District

Sangrur, as well as all the consequential proceedings arising therefrom are hereby quashed.

(SURYA KANT)
JUDGE

Sept 17 ,2007.
Reema